

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26282 OF 2019

Dated:28.11.2019

Between:

Konne Venkataramana, S/o. Venkataiah,
Aged about 41 years, Occ: Private Employee/
Agriculture, R.o. Narmetta Village and
Mandal, Jangaon District

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Hyderabad and others

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondents 1 to 4.

2. Petitioner claims to be the absolute owner and in possession of various extents of land in different survey numbers situated at Narmetta Village and Mandal, Jangaon District. Petitioner alleges that the unofficial respondents, who are the neighbouring land owners and close relatives of the petitioner, are trying to encroach into his land and dispossess him. Aggrieved by the same, petitioner instituted O.S.No.31 of 2019 pending in the Court of the Principal Junior Civil Judge, Jangaon, and the unofficial respondents herein are defendants in the said suit. Petitioner also filed application seeking grant of injunction pending disposal of the suit and the same is pending consideration. At this stage, this Writ Petition is filed alleging that the Tahsildar, Narmetta Mandal, respondent No.4, is trying to dispossess the petitioner from the subject properties without following due process and in the event of petitioner being dispossessed at the instance of unofficial respondents, grave prejudice would be caused to him.

3. The prayer sought in the Writ Petition itself would show that the grievance is based on the apprehension of the petitioner in respect of dispossession from the subject properties by respondent No.4. According to learned counsel for the petitioner, the subject lands are purely private properties; there is a dispute between the petitioner and the unofficial respondents and the same is pending

and is the subject matter of O.S.No.31 of 2019 pending in the Court of the Principal Junior Civil Judge, Jangaon. That being so, respondent No.4 is no way concerned with the *inter se* dispute among the private persons and it cannot be said that respondent No.4 would indulge in dispossession of the petitioner from the subject properties since petitioner has already filed O.S.No.31 of 2019 and the same is pending before the competent Court.

4. Petitioner could not have come to this Court, when the suit is pending on the same issue, by making allegation against the respondent No.4 that he is trying to dispossess him from the subject property. Moreover, certain applications were already filed before respondent No.4 on the issue of mutation/demarcation/ conducting of survey and in the process, respondent No.4 is trying to dispossess the petitioner is not correct. If that being so, the Writ Petition is premature since there is *inter se* dispute between the private persons and O.S.No.31 of 2019 was already filed and pending before the competent Court. Therefore, this Court is not inclined to entertain the Writ Petition.

5. The Writ Petition is accordingly dismissed granting liberty to the petitioner to work out his remedies as available in law and pursue the pending suit. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:28.11.2019

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